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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 FRED A SUSSMAN,

12 Plaintiff,

13 vs.

14 ARMELIA SANI, et al.,

Defendants.

CASE NO. 08-CV-0392-H  
(BLM)

ORDER TO SHOW CAUSE  
REGARDING REMOVAL

15 On March 3, 2008, defendant Health Net of California, Inc. ("Health Net")  
16 removed this action from San Diego County Superior Court on the basis of federal  
17 question jurisdiction. (Doc. No. 1.) On March 10, 2008, Health Net filed a motion to  
18 dismiss the case under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Doc.  
19 No. 4.) On March 17, 2008, Plaintiff filed a motion to remand, arguing that there is no  
20 federal question jurisdiction. Both motions are currently set for a hearing on April 21,  
21 2008 at 10:30 a.m. (See Doc. No. 8.)

22 The Court notes that not all defendants joined in the removal. Ordinarily, all  
23 named defendants must join in removal, unless a defendant has not yet been properly  
24 served. Emrich v. Touche Ross & Co., 846 F.2d 1190, 1193 n.1 (9th Cir. 1988). Here,  
25 Health Net was the only defendant to sign the notice of removal, and there are several  
26 other named parties. None of the other parties has appeared following the notice of  
27 removal. Only three of the eleven causes of action are directed against Health Net.  
28

1 On or before **April 17, 2008**, the parties shall submit supplemental briefs  
2 addressing the Court's concern over the joinder of all defendants in removing the  
3 action.

4 IT IS SO ORDERED.

5 DATED: April 11, 2008

6   
7 MARILYN L. HUFF, District Judge  
8 UNITED STATES DISTRICT COURT

9 COPIES TO:  
10 All parties of record.  
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